

I. REMARKS

The PTO requires the restriction of the claims in the above-identified application into one of the following two groups of claims.

Group I: Claims 1-31, 33-39, and 75-79 allegedly drawn to a method of diagnosing a subject with inflammatory joint disease (IJD) by measuring osteoclast precursor cells (OCP) and kit therefore.

Group II: Claim 32 allegedly drawn to a method of diagnosing IJD by culturing peripheral blood mononuclear cells and measuring concentration of TNF- α protein that is secreted.

Group III: Claims 50-71 and 80-93 allegedly drawn to a method of treatment and monitoring treatment of IJD.

Group IV: Claims 72-74 allegedly drawn to a method of identifying an agent having the ability to treat IJD.

Applicants provisionally elect Group III (claims 50-71 and 80-93) with traverse.

Applicants request that the restriction requirement be reconsidered because the Examiner has not shown that a serious burden would result if all the claims are examined together. M.P.E.P. § 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (*Emphasis added.*) Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121) and (2) the search and examination of the entire application cannot be made without serious burden. *See* M.P.E.P. § 803.

For the reasons stated above, applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Examining all of the claims together would eliminate the necessity of prosecuting multiple, separate, yet intimately related, applications. Thus, applicants respectfully request that all of the claims of this application be examined together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

A Credit Card payment in the amount of \$60.00, representing the extension of time fee for a small entity under 37 C.F.R. § 1.17(a)(1) and a Request for a one (1) month Extension of Time has been submitted electronically. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

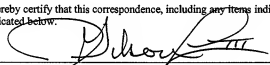


J. Gibson Lanier, Ph.D.
Registration No. 57,519

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
678-420-9300
678-420-9301 (fax)

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I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted by EFS-WEB on the date indicated below.


J. Gibson Lanier, Ph.D.

Date

6/8/07